

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE**

ERIC ECHEVARRIA,

Plaintiff,

v.

BRIAN WHITTLESSEY and  
HEARTLAND EXPRESS INC. OF IOWA,

Defendants.

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C.A. No.

TRIAL BY JURY OF  
TWELVE DEMANDED

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF DELAWARE:

Defendants, Brian Whittlesey and Heartland Express, Inc. of Iowa by and through their  
attorneys, Rawle & Henderson LLP, respectfully aver as follows:

1. At all materials times, plaintiff, Eric Echevarria was and is a citizen of the State of  
New Jersey, *See a copy of the Complaint, hereby attached as Exhibit "A"*

2. At all material times, Defendant, Heartland Express, Inc. of Iowa was and is a  
corporation duly formed under the laws of the State of Iowa and maintains its principal place of  
business in in North Liberty, Iowa.

3. Defendant, Brian Whittlesey, was and is a citizen and resident of the State of New  
York.

4. Plaintiffs commenced this civil action against Defendants in the Superior Court of  
Delaware in and for New Castle County by Complaint filed on May 1, 2020. *See Exhibit "A."*

5. Defendant Brian Whittlesey was served no earlier than June 11, 2020. Therefore, this Notice of Removal to Federal Court is timely filed. *See copy of transmittal letter sent certified mail hereby attached as Exhibit "B."*

6. The plaintiff misidentified and incorrectly named the defendant in the Complaint as Heartland Express, Inc. The name was corrected by Stipulation. Service has not been effectuated. Defendant consents to this removal. *See copy of the filed Stipulation attached as Exhibit "C".*

7. Plaintiff alleges the following in the Complaint:

As a direct and proximate result of the negligence of defendant Brian Whittlesey, which negligence is imputed to his employer Heartland Express, Plaintiff Echevarria:

- a) Suffered personal injuries some or all of which may be permanent in nature;
- b) Has suffered and will continue to suffer great pain of body and mind;
- c) Has limitation of physical activity which may be permanent in nature;
- d) Has incurred medical expenses and will continue incurring them in the future; and
- e) Suffered a loss of income.

*See Exhibit "A," First Count, Paragraph 17.*

The complaint further alleges:

....has incurred in the past, and will in the future, severe pain and suffering, discomfort, embarrassment and mental anguish. *See Exhibit "A," First Count, Paragraph 20.*

8. The Complaint contains allegations of past and future medical expenses as well as loss of past and future economic opportunities. *See Exhibit "A," paragraph 7.*

9. Based upon a fair reading of the Complaint, Plaintiff has set forth a claim in which the amount in excess of the jurisdictional limit of \$75,000.00, exclusive of interest and costs, may be at stake.


10. Diversity of citizenship within the meaning of 28 U.S.C. §1332 exists between Plaintiff and Defendants as no defendant is a citizen of Delaware. See paragraphs 1 through 5 above.

11. Furthermore, diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice, such that Defendants are entitled to removal pursuant to 28 U.S.C. §1441 as amended, and 28 U.S.C. §1446.

**WHEREFORE**, Brain Whittlesey and Heartland Express, Inc. of Iowa pray that the above captioned action now pending in the Superior Court of the State of Delaware in and for New Castle County, be removed therefrom to this Honorable Court.

RAWLE & HENDERSON LLP

By: \_\_\_\_\_

  
Michael J. Logullo (ID 3851)  
mlogullo@rawle.com  
Attorney for Defendants,  
Brian Whittlesey and Heartland Express, Inc. of  
Iowa  
300 Delaware Avenue, Suite 1120  
Wilmington, DE 19801  
302-778-1200

Dated: July 7, 2020

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C.A. No. N20C-05-010 CEB

TRIAL BY JURY OF  
TWELVE DEMANDED

**CERTIFICATE OF SERVICE**

I hereby certify that on this July 7, 2020, a copy of Defendants' Notice of Removal was electronically file via ECF and email on the following:

Bernard A. Van Ogtrop, Esquire  
SEITZ, VAN OGTROP & GREEN  
222 Delaware Avenue, Suite 1500  
PO Box 68  
Wilmington, DE 19899

RAWLE & HENDERSON LLP

By: \_\_\_\_\_



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